IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WP(C).No. 3769 of 2007(W)

OA.270/2006 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
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PETITIONER:

ALEYAMMA ALEXANDER @ DAISY ALEXANDER,
W/O. LATE ALEXANDER JACOB, RESIDING AT
KUTTIKATTIL HOUSE, KANNAMANGALAM NORTH,
CHETTIKUYIANGARA, MAVELIKARA.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. **THE DEBT RECOVERY TRIBUNAL,**
   ERNAKULAM, REPRESENTED BY ITS REGISTRAR,
   KSHB BUILDING, PANAMPILLY NAGAR, ERNAKULAM.

2. **THE FEDERAL BANK LIMITED,**
   BRANCH GEORGE TOWN, NO.51, ARMENIAN STREET,
   CHENNAI, REGD. OFFICE, P.B.NO.103, FEDERAL TOWERS,
   ALWAYE, ERNAKULAM DIST., REP.BY THE CHIEF MANAGER,
   FEDERAL BANK LTD.,ASSET RECOVERY BRANCH, FEDERAL
   TOWERS, 8TH FLOOR, MARINE DRIVE, ERNAKULAM.

3. **M/S. MADRAS SEA FOODS,**
   26-32, G. A ROAD, CHENNAI-21.

* 4. **ALEXANDER JACOB (LATE), S/O. P.K.CHACKO,**
   M/S. MADRAS SEA FOODS, 26-32, G. A ROAD,
   CHENNAI-21.

*** R4 IS STRUCK OFF FROM THE PARTY ARRAY AS PER ORDER DATED 9/02/2007 IN WPC.**

5. **K.RAMAKRISHNAN, AGED 56 YEARS,**
   S/O. KRISHNAN NAIR, SREE KRISHNA BHAVAN,
   KOCHIKAL, MAVELIKKARA, KERALA.

...2/-

6. G.R.APPARAJ, AGED 69 YEARS,
S/O. RAMIAH PILLAI, RESIDING AT NO.41,
SWAMY STREET, CHINDHARIPET, CHENNAI-2.

7. SRI. VIPIN JACOB ALEXANDER,
S/O. LATE ALEXANDER JACOB, KUTTIKATTIL HOUSE,
KANNAMANGALAM NORTH, CHETTIKULANGARA,
MAVELIKKARA.

8. SRI. VINU THOMAS ALEXANDER,
S/O. LATE ALEXANDER JACOB, KUTTIKATTIL HOUSE,
KANNAMANGALAM NORTH, CHETTIKULANGARA,
MAVELIKKARA.

9. VEENA MARY ALEXANDER, D/O. LATE
ALEXANDER JACOB, KUTTIKATTIL HOUSE,
KANNAMANGALAM NORTH, CHETTIKULANGARA,
MAVELIKKARA.

BY ADV. SRI.S.PRAKASH
SRI.MOHAN JACOB GEORGE, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.3769/2007 W

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF JUDGMENT IN O.S.49/97 OF THE SUB COURT, MAVELIKKARA.**

EXT.P2: **COPY OF RECEIPT EVIDENCING THE DEPOSIT OF RS.15,00,000/- IN FEDERAL BANK MAVELIKKARA BRANCH AND KOLLAM BRANCH.**

EXT.P3: **COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DTD. 20/02/06 BEFORE THE 2ND RESPONDENT.**

EXT.P4: **COPY OF NOTICE ISSUED FROM THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM IN O.A. NO.270/2006 DTD. 27/11/06.**

/TRUE COPY/

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.3769 OF 2007-W

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Dated this the 8th day of March, 2007.

JUDGMENT

Notice to the unserved respondents is dispensed with.

2. Learned counsel for the Bank submits that the writ petitioner being a heir of the deceased second defendant in the O.A.proceedings, the Bank is willing to release the title deeds of the property on payment of an amount of Rupees fifteen lakhs without prejudice to the right of the Bank to proceed against the other co-obligants. This arrangement is well in accordance with justice, equity and good conscience. Under such circumstances, it is directed that if an amount of Rupees fifteen lakhs is deposited, the title deeds as aforesaid will be released without prejudice to the Bank's right to proceed against the other co-obligants. All this will be subject to the petitioner

moving the DRT in terms of what is aforesaid.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-